

because of the absence of a First Class Magistrate's Court. On account of the large number of criminal offences triable by a First Class Magistrate, they should have either a First Class Magistrate's Court or the Tahsildar of the taluk should be invested with the powers of a First Class Magistrate. Though their prayer was granted as a result of the representation at the 13th session of the Assembly, they were again put back to their original condition when the Tahsildar, who had the powers of a First Class Magistrate, was transferred from their taluk.

The Member then complained that the Court of the Stationary Magistrate was housed in a most unsuitable building and requested that the Court be shifted to Shertalay or accommodated in a decent building.

Dewan.—The District Magistrate will be asked to report on this matter.

The Member's next request was that a Police sub-station be opened at Mararikulam where grave offences took place often and there was no security of person or property.

He then requested that the Police sub-station, which was in existence at Thanneermukkam and was abolished during the time of Mr. George, the late Police Commissioner, be re-established. The head-quarters of the Arukutty Circle Inspector of Police should also be transferred to Shertalay or, if that was not possible, a capable Police officer should be posted to Shertalay.

Dewan's reply.—The question of posting a Tahsildar with First Class Magisterial powers at Shertalay will be considered. The head-quarters of the Circle Inspector of Police cannot be shifted from Arukutty, as it is an important Excise station where much revenue is collected. That place must have a Circle Inspector. As for posting a competent Police officer at Shertalay, the Commissioner of Police will attend to it. The representations of the Member about the need for sub-stations at Mararikulam and Thanneermukkam will be referred to the Commissioner of Police for report.

35. Need for a First Class Magistrate's Court at Attungal.

Mr. J. Kamalam (Member, T. I. C., Attungal) said that, before the year 1089, a court presided over by an officer having the powers of a First Class Magistrate and exercising jurisdiction over the whole taluk was in existence at Attungal. From 1090 M. E., the Government extended the jurisdiction of the court at Varkala over all the *pakuthies* of the Chirayinkil taluk except the three small *pakuthies* of Attungal, Edakkode and Koonthalloor; and in consequence, the Magistrate at Attungal was deprived of his First Class powers. Such a state of affairs caused inconvenience and trouble to the people as they were thus forced to go long distances. Further, the present arrangement caused loss of money both to the people and the Government. The Member, therefore, prayed that a First Class Magistrate's Court be established at Attungal, with jurisdiction over the whole taluk.

Dewan's reply.—Noted.

(3) CIVIL JUSTICE.

36. Need for passing definite rules for fixing the value of improvements.

Mr. M. Kochukrishna Pillai (Member, Noyyattinkara Taluk) complained about the absence of specific rules for assessing the value of improvements concerning which disputes often arose between parties in civil courts and sometimes between the parties and the Government. A few decisions of the High Court contained some instructions, but the decisions were based exclusively on the evidence or admission of parties in particular cases and had no reference to the customs of the different localities or to the methods of valuing non-bearing cocoanut or other kinds of trees. He mentioned the following as some of the points in regard to which definite rules were necessary:—

- (1) What are the kinds of improvements on which value can be claimed?

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(2) What are the kinds of improvements that have to be assessed on a calculation of their yield?

(3) Can $8\frac{1}{2}$ times the annual yield be awarded as compensation for improvements in all cases? If not, how many years' yield should be assessed and for what improvements?

(4) What is the method of valuing the cocoanut and other trees which have just begun to bear but have not come to full bearing?

(5) How are the trees which are about to pass the stage of bearing to be valued?

(6) What are the trees for which timber value or value as fuel should be assessed and paid? Are the young plants of such trees to be paid for and, if so, how are they to be valued?

(7) Whether the tariff rates may be adopted in the case of trees to be assessed at timber value and, if so, for what trees? If not, according to what standard is the value to be fixed?

(8) How are trees, parts of which are useful as timber and parts as fuel, to be assessed?

(9) Whether, in the case of jack and other trees whose outer portion is useless for timber, it will be enough to take measurements of the standing tree for the purposes of valuation?

(10) Are there any trees which have to be assessed both on the timber value and on the yield, and, if so, what are they and how are they to be valued?

(11) What are the trees that should be treated as trees of spontaneous growth?

(12) Whether the Jenmi (proprietor) can claim a share out of the compensation in the case of trees which are assessed as timber or fuel?

(13) Will it be enough to fix the value equally in the case of a tree which has reached a certain stage of growth merely by the fertility of the soil and not by any labour, and on another tree of exactly the same condition in which the growth is brought about at the cost of much labour and money?

(14) What is the compensation to be fixed for each *tharam* in the case of trees whose value depends upon their *tharam*?

(15) What are the circumstances under which a claim can be advanced for greater or less amount under yield or compensation as compared with the common standard?

(16) What is the distance at which each kind of tree should stand apart ordinarily? Are there any exceptions to the general rule, and if so, what?

(17) How is the *nirak* rate to be fixed for items in which the yield has to be considered? Is it at a uniform rate for all places or at varying rates according to change of locality? If the former, what are the *nirak* rates for different kinds of trees?

(18) If the *nirak* is to vary with the locality, how is that rate to be fixed?

(19) Where the market rate has to be adopted, is it the *nirak* price ruling at the time of valuation or the average of the past years' *niraks* that should be considered and, if so, how many years' average should be taken?

(20) What are the items for which compensation can be allowed for such works as levelling the ground, putting up *kayala*, digging water sources and repairing and maintaining them in proper condition?

(21) Can a wet land be converted into a garden or a garden into a wet land without the Jenmi's consent and can compensation be claimed for such conversion?

(22) What are the rules for valuation which should apply in common to the whole State and what are the rules that should vary in specified localities?

The Member next deplored the manner in which non-bearing cocoanut and other kinds of trees were valued by the commissioners, and said that, in the case of the latter classes of trees, some of which yielded at irregular intervals in varying quantities, the commissioners did not proceed on any fixed standard, but made their valuation as it pleased them.

He also spoke about the vagaries of the commissioners in the preparation of their reports and said that, ever since the High Court decision in 18. T. L. R., 93, the *thadasters'* opinion had lost its importance and they were never consulted by the commissioners. The commissioners did their work in the most arbitrary way without associating the respectable people of the locality in their work. The circular regarding the selection of the commissioners with the consent of the Vakils did not also produce the desired result.

To remedy the evils complained of, the Member suggested that a law should be passed on the lines of Madras Act I of 1900, and that elaborate rules having the force of law should also be framed under that law for regulating the procedure to be adopted in the valuation of trees other than bearing cocoanut trees. The procedure might be the same for all places or vary with particular localities according to custom. That would avoid any arbitrary discretion being vested in the commissioners. The Director of Agriculture and Fisheries, who was expected to know all the details, might be asked to frame the rules in consultation with the judicial officers. Those rules with suitable modifications might be applied to the land acquisition proceedings also.

With regard to the preparation of reports, the Member was of opinion that the commissioners should be asked to associate in their work a few respectable *thadasters* of each locality who should be carefully selected in advance in consultation with the revenue officers. There should also be provision to punish the commissioners for proved irregularities, but incompetent commissioners should be struck off the list. Special commissioners should invariably be appointed for works of a special nature, such as valuation of costly structures and the like. Unless the question was seriously taken in hand by Government and action taken on the lines suggested, there would be no end to the number of suits and appeals and to the consequent hardship and loss to the public in general.

Deivan's reply.—The Member's representation will be referred to the High Court for their opinion.

IV. PRODUCTION.

(1) AGRICULTURE.

37. Appointment of a Mycologist for rubber estates.

Mr. J. R. Vincent (Member, Mundakayam Planters' Association) represented the need of a Mycologist for investigating into, and devising measures for the prevention of, fungoid diseases appertaining to rubber and requested Government to give rubber planters an annual grant for the purpose. There was no doubt that the rubber tree was extremely susceptible to attacks of fungoid diseases which affected all parts of the trees. They had discovered diseases of the stem, roots and leaves and, more important still, diseases of the bark from which was extracted the rubber of commerce. Many of those diseases were imperfectly known and some were absolutely new to science. Therefore, laymen could not devise means for their prevention or eradication. The extreme gravity of the situation might be realized from the fact that, though the industry was a young one and occupied but 45,000 acres of land, an authority in South India had stated that fully one-third of their potential crop was lost to them through the effects of disease. It was not witho